MASSACHUSETTS
COMMISSION ON INDIAN AFFAIRS

2003
Annual Report

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Commonwealth of Massachusetts
DEPARTMENT OF HOUSING &
COMMUNITY DEVELOPMENT
COMMISSION ON INDIAN AFFAIRS
Mitt Romney, Governor ◆ Kerry Healey, Lt. Governor
Jane Wallis Gumble, Director, DHCD ◆ John Peters, Jr. Executive Director

March 12, 2004

Dear Governor Romney.

On behalf of the membership of the Massachusetts Commission on Indian Affairs, I am pleased to present the Commission's Annual Report for the year 2003. The report is a comprehensive overview of the Commission's programs, works in progress and activities during the calendar year.

This past year our efforts were concentrated on Native Community educational opportunities through coordinated activities with the UMass. Boston, College of Public and Community Service. We also observed a number of difficult jurisdictional and recognition issues between Native Tribes and Organizations with State and Federal governments of which we made our contribution where possible.

We appreciate your support of the Commission, as we strive to fulfill our legislative mandate to serve our constituents and the Commonwealth.

Respectfully,

John Peters Jr.
Executive Director.

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Year 2003 Commissioners

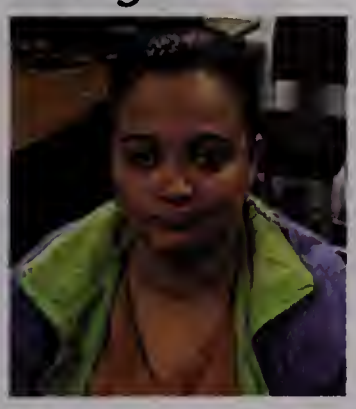
Maurice L. Foxx, Chairperson, is a member of the Mashpee Wampanoag Tribe. He earned a degree in Mechanical Engineering at Northeastern University. After 25 years, he retired this year from Faneuil Hall Marketplace in Boston as the Director of Technical Services. He became a member of the Commission on Indian Affairs in 1995 and currently serves as Chairman. He is also Chairman of the Mashpee Wampanoag Tribal Museum restoration Committee where he was instrumental in persuading the Town of Mashpee to turn over certain lands to the tribe. In addition, Maurice sits on a number of boards and committees including the Advisory Council for Plimoth Plantation's Wampanoag Indigenous Program, the Pilgrim Society Advisory Board, and the Mashpee Wampanoag Powwow committee. A few years ago, he collaborated with Children's Museum in Boston on the development of their Wampanoag website.

Janice Poodry Falcone grew up on the Tonawanda Seneca Reservation in upstate New York. She has lived in Massachusetts for 40 years and has worked at the North American Indian Center of Boston and the Boston Indian Council since 1975. A former public school teacher, Janice taught electronics courses at the Indian Center before becoming the Director of Employment and Training. Her goal has always been to assist Indian people to a better life for themselves and their families.

Although her father was a Sachem chief of the Seneca Nation for 40 years, Janice is a member of her mother's Onondaga Nation turtle clan. Janice was appointed to the Commission on Indian Affairs in March of 1995. She continues to advocate for education and training opportunities for Native youth and adults.

Janice's most recent involvement has included being appointed to the National Native American Employment and Training Council for the U.S. Department of Labor. She currently is a member of the council's workgroups advocating on a National level to encourage opportunities for the advancement of Indian communities. A mother and grandmother Janice has had the honor and privilege of working with and for the Indian community for many years. She continues to enjoy the accomplishments of many Indian people.

Cheryll L. Holley is a Nipmuc from Worcester, MA. She became a member of the Commission on Indian Affairs in October of 1998. She attended Howard University in Washington, DC and served in the U.S. Army Medical Corp for several years. She holds a BA in History. The mother of three school-age daughters, she is currently a dialysis nurse at UMass Memorial Hospital in Worcester. She is a founding member and current Project Director of the Nipmuc Indian Development Corporation, a non-profit agency dedicated to increasing self-sufficiency in Native people both as a whole and as individuals. She serves on different committees for the Nipmuc Nation including chair of the Genealogy Committee.



TroyW. Phillips was appointed to the Commission on Indian Affairs in October 2003. A member of the Nipmuc Nation, he resides in Pittsfield in the western part of the state. Troy's long term involvement with the Native communities has proven beneficial in carrying out some of the Commission's goals and objectives for that region of the state.

Dr. Herbert R. Waters, Jr., was appointed to the Commission on Indian Affairs on March 24, 1995. A member of the Wampanoag community, he is a life-long resident of the New Bedford-Dartmouth area. He graduated from Providence College and immediately entered the U.S. Marine Corps as a Second Lieutenant. After serving in the USMC, he accepted a teaching position in Dartmouth and then transferred to the New Bedford School Department where he taught for thirty-seven years. For twenty-two of those years, he was the principal of Sgt. Wm. H. Carney Academy, an institution that was known statewide as an outstanding place of learning with emphasis on multi-cultural education and progressive/innovative methods and techniques for learning. Commissioner Waters has been involved in Indian Affairs for his entire adult life encompassing curriculum development, assisting Slow Turtle and Drifting Goose during the 70's reorganizing effort, and the social/political struggles of Indian people. He is married and has five children, all of whom are college graduates and have served the country in the U.S. Marine Corps and the U.S. Army.

Beverly Wright was appointed to the Commission in October 2000. As Chief Elected Official and Chairperson of an eleven member Tribal Council, Ms. Wright maintains the integrity and goals of the Wampanoag Tribe of Gay Head/Aquinnah. She has been Chairperson for ten years and was re-elected to a fourth term in June 1999. Before being elected Chairperson, she served the Tribe for twelve years as a Council member, including a term as Treasurer. She has also been a Director of the Title IX Indian Program and was one of the founding committee members of the Aquinnah Wampanoag Housing Authority.

Ms. Wright has been vice-President for 6 years and currently serving a third term as Secretary of USET (United South & Eastern Tribes). She is a member of the NCAI (National Congress of American Indians), and a member of the Female Tribal Leaders Association. Ms. Wright is currently serving as a representative of USET to the Indian Health Tribal Self Governance Advisory Board, the National Budget Advisory Board and the Bureau of Indian Affairs/Tribal Budget Advisory Council. She is also a Board member of the international Advisory Council for the Native Nations Institute in Leadership, Management and Policy in Arizona.

Staff

John "Jim" Peters, Jr., Executive Director

Hired in May 2000, Jim has had several years to settle into his new position as the Executive Director of the Commission. Prior to joining the Commission, Jim held a number of positions with New England Tribes, the most recent, a Career Development Counselor with the Mashantucket Pequot Tribe of Connecticut. He was the Executive Director for his own tribe, the Mashpee Wampanoag Indian Tribe on Cape Cod, and held the position of Tribal Planner and Tribal Programs Administrator for the Narragansett Tribe in Rhode Island. He also served as a Town Planner for the Town of North Kingstown in Rhode Island.

Jim earned a Bachelors Degree in Business Administration and a Masters Degree in City Planning. Aside from his employment and educational background, he has participated in many cultural, social, and historic Native American events that have taken place in Southern New England over the past 30 years.

Burne Stanley, Part-Time Administrative Assistant

Associated with the Commission since 1979, Burne has become a valuable asset to the office. Having worked in several capacities, she has a vast knowledge of the Commission and its operation. Her positions with the Commission have ranged from fill-time employee, to a volunteer, to a contract employee. She is now on-board as a part-time Administrative Assistant.....a position she has held since January 2001. Through her long association with the Commission, Burne has come to know and work with most of the tribes in the state and has developed valuable relationships with them.

Although her employment experience has been in Business Administration and in Accounting, Burne's educational background is in Communications, a field she majored in at Emerson College in Boston.

For over two and a half decades, Burne has attended and been involved with many of the social and cultural events in and around Massachusetts. This is her way of embracing and celebrating her Pequot/Mohegan ancestry. Native American cultural activities continue to be a major part of her and her daughters' lives.

Purpose and Responsibilities

The Commission is charged with investigating problems that are common to Native Americans who are residents of the Commonwealth. It is further charged with assisting tribal councils, Native American organizations, and individuals in their relationship with agencies of state and local government. It assists with social services, education, employment opportunities, health, housing problems, civil rights, legal aid, treaties, taking of a census of Native American residents, and any other rights or services concerning Native American residents of the Commonwealth. In addition, it provides for the burial expenses for the remains of any person whose previously unknown grave has been disturbed, forcing its relocation, and whose identity has been determined by the state archaeologist to be that of an American Indian.

Accomplishments & Work In Progress

Deer Island Native American Memorial

When the Europeans came to these shores they were of the belief that if a people were not Christians they were not human and taking their possessions was their God given right. As result of fifty years of Colonial expansion and Native displacement from their aboriginal homelands, cultural relationships were challenged to say the least. By 1675 incidental skirmishes evolved into what was called the King Philips War. Over the 50 years of interaction there were a number of Native Communities that had converted to Christianity and were friendly with the Colonist. As the attacks on colonial towns increased during the war, so did the intolerance for Native people. Consequently, the Praying Indians as they were called were rounded up, chained and forcibly marched to Deer Island where they remained imprisoned for the winter without adequate shelter or food. Many died on that island and those that survived were confined to their Plantations namely Natick, Hassanamisco, Chaubunagungamaug, and Punkapoag.

Today the Boston Harbor Islands Partnership National Park consists of some 30 Islands within Boston Harbor. With the exception of one island upon which the first lighthouse of the United States is situated, the remaining are owed by the Commonwealth, municipalities of, or private ownership. Together they form a unique partnership under the jurisdiction of the National Park Service. Deer Island is one of those islands and a committee has been formed to erect a memorial in commemoration of the 1675 event.

In December 2002 the Committee selected Lloyd Gray of the Onondaga Nation, currently residing in Worchester, to create the memorial. In early 2003 two Forums were held to view his conceptual drawing and give interested citizens an opportunity to offer their ideas. A grant proposal was written and submitted to the Brown Fund for consideration.

College of Public and Community Service (CPCS)

During the 2002 year Commission Staff and Alumnus of the UMass Boston, College of Public and Community Service (CPCS) shared concerns of the impending responsibilities of Federal Recognition and discussed opportunities that could be developed thorough this University Division that could be of assistance to these communities. An initial forum titled; Nation Building; under the guise of "Increasing Native American Access to Higher Education", was planned and held on the UMass Boston Campus. Tribal leadership, influential Native figures and Native citizens were invited to share their visions of Tribal community Development and discuss the educational needs of their Communities.

While there was a range of discussion about Nation Building an underlying realization was the need for more Tribal members attaining degrees. Emphasis was directed more at the mid aged working person with life experience rather than those just out of high school.

Class began in September of 2002 where each student was interviewed to assess their formal educational attainment, work history and life experiences. Considering the curriculum of established Community Development Programs of the University, credit

was granted for educational attainment and competencies to be attained were negotiated, with the balance of academic requirements to be accomplished through online class work.

In of 2003 discussion were held about initiating a program with the North American Indian Center of Boston, however funding resources to cover fees became limited and the effort was deferred. The program in Mashpee continued and 2 students graduated in 2003.

North American Indian Center of Boston (NAICOB)

This Boston Indian Urban Center has been residing at 105 South Huntington Avenue in Jamaica Plain for over 30 years. The organization confronted with the need to replace a vintage 1909 furnace sought financing to make the improvement, however was unsuccessful due to the State owning the building despite it not showing up on their inventory. During the fiscal year 2001 the Commission supported Legislation that would transfer the property title to NAICOB; however that failed due to the larger question regarding the accurateness of state asset management.

This project was discussed at the July 23, 2002 DCAM Board of Directors at which a sizeable audience of the NAICOB community attended. The Board tabled their decision and directed the DCAM staff to work with NAICOB to resolve their concerns. Analysis of the property was conducted by the agency with the results and proposed alternatives presented in late 2003. The scenarios included; selling the property to a developer who would be responsible in relocating NAICOB to an alternative site with a defined financial commitment; Selling one of the two parcels with the developer obligated to contributing to NAICOB's renovation plan; evicting the organization. Negotiations have continued into 2004, with the sale of a parcel the probable alternative.

Native American Tuition Waivers

Over the last two decades the Massachusetts Commission on Indian Affairs has assisted in the determination of eligibility of Native Americans in Massachusetts for tuition waivers at state colleges and universities. It is authorized by the Board of Higher Education to certify that individuals are of Native American descent and eligible for the tuition waiver. The Commission uses membership in a Massachusetts tribal group (tribe, band, or clan) that is acknowledged by the Commission as a legitimate, historical tribal group as a criterion for making recommendations about tuition waivers. In addition, the Commission uses official state and federal recognition status for issuing tuition waivers to individuals whose tribes are located outside of Massachusetts.

Because the process is so lengthy and would be duplicative of the efforts a student takes when enrolling though the institution, we keep the process here fairly simple. The student is required to fill out a one-page form and submit certain documents. Such documents include proof of acceptance to the college, proof of tribal membership, and proof of Massachusetts residency. Before the beginning of each semester, the Commission sends a letter to the respective colleges and universities with the names of students who have been certified (by the Commission) as being Native American.

We have found that there is a growing number of students who are taking advantage of the tuition waiver for the summer sessions. While not all of the colleges accept it for the summer, we have found a number of them that do. Some of them include Bridgewater State College; Bristol Community College; Bunker Hill Community College; Framingham State College; Holyoke Community College; North Shore Community College; U Mass/Boston; U Mass/Dartmouth; and Worcester State College. For a complete list of community colleges, state colleges, and the university campuses, please call 617-727-6394.

We are happy to report that this year 179 Native American students benefited from the program.

An Institute for New England Native Americans

In the six New England states there is no university based Institute or Center that is led by Native experts or devoted to the community development issues of Native tribes. There are initiatives and activities at several major institutions (most notably Dartmouth, Harvard, Brown, and University of Massachusetts Amherst) that focus more academically on cultural and educational issues, but all are less focused on New England development concerns and lack significant Native leadership. Given the state of development and overlapping concerns of many New England tribes it seems that now is the time for a full-fledged university based Institute, developed in concert with the Massachusetts Commission on Indian Affairs and tribal leaders in Massachusetts and other New England states.

In pursuit of this goal, in 2003 a group of Massachusetts tribal leaders began to discuss a Native American Institute at meetings sponsored by the W.K. Kellogg Foundation's Beyond *Outreach Pilot Project* at the College of Public and Community Service, U Mass Boston.

A proposal was submitted to the W.K. Kellogg Foundation based on the following preliminary concepts:

An Institute that could serve all the New England tribes. It would be part of making our education for ourselves at another level.

The group initially mentioned three goals for such an Institute as a place to

1. *come together to define our own issues with mutual respect, and devise collaborative plans for addressing them*
2. *be a place to study our culture and situation ourselves, to dispel myths, and to document ourselves for ourselves by showing our accomplishments and defining our problems ourselves and presenting an understanding of the traditions to others*
3. *support leadership in tribes and individuals*

The W.K. Kellogg Foundation awarded the Commission in partnership with the UMASS Boston CPCS $100,000 to initiate a University based Institute. There is a 2/1 match over a 3 year period

What might an Institute focused on Native issues be like?

The consensus among initial discussants was that an Institute for Native Americans was an idea whose time had come. As a place where Native people would advocate their own agendas, based on their own expertise, the Institute would further legitimate the concern of Native tribes in New England. Four major areas of activity were identified:

- serving as a resource clearing house for Eastern tribes, for educators and for students concerned about Native issues.; helping the University attain appropriate historical and social science resources about Eastern Natives, and providing support for curriculum development on campus; creating fact sheets and repeats about Native concerns; becoming a repository of data for tribes in New England
- sponsoring a wide range of informal meetings among tribal leaders to identify common concerns facing Eastern Tribes, and to develop a collaborative research and development agenda; providing leadership to bring Eastern Tribe issues to the national conversations about native issues
- in full partnership with the Massachusetts Commission on Indian Affairs, sponsoring meetings with Massachusetts legislators and other state/national elected and administrative leaders to discuss tribal issues in a non-lobbying format;
- Becoming an actor among national and regional academic/professional efforts to address Native issues, making contacts with other programs and institutes in the area to define our special niche -- local Native leadership and a participatory. Culturally based community development approach

Sovereign Rights

In May of 2001 the Town of Aquinnah Building Inspector Zoning Officer asked the Court to stop construction to the Wampanoag Tribe of Aquinnah's fish hatchery, as in his opinion they were subject to local zoning jurisdiction. In a June 17, 2003, opinion Richard F. Connon, Justice of the Massachusetts Superior Court declared that the Wampanoag Tribe retains it's sovereign immunity form civil suit, despite the terms of their land claims settlement act. The town intends to appeal the decision.

Federal Recognition

In January of 2001 the Clinton Administration gave preliminary federal recognition to the Hassanamisco Nipmuc Nation and denied the Chaubunagungamaug Nipmuc; October 21 of 2001 the Bush Administration rescinded the Hassanimisco's preliminary recognition. Both Tribes submitted additional information to the FAB and are were anticipating a positive determination through the end of 2003. The Mashpee's remain in waiting for active consideration.

Budget

The budget for fiscal year 2003 was $91,722 which included funds for the salaries for one full time and one part time employee, travel expenses for staff and seven Commissioners, unemployment insurance, administrative expenses & supplies, and re-interment expenses.